

REFERENCE TITLE: sexual assault shield.

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1212**

Introduced by  
Senators Jarrett, Bee; Representative Paton

AN ACT

AMENDING SECTION 13-1421, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-1421, Arizona Revised Statutes, is amended to  
3 read:

4           13-1421. Evidence relating to victim's chastity; pretrial  
5           hearing; publication; classification

6       A. Evidence relating to a victim's reputation for chastity and opinion  
7 evidence relating to a victim's chastity are not admissible in any  
8 prosecution for any offense in this chapter. Evidence of specific instances  
9 of the victim's prior sexual conduct may be admitted only if a judge finds  
10 the evidence is relevant and is material to a fact in issue in the case and  
11 that the inflammatory or prejudicial nature of the evidence does not outweigh  
12 the probative value of the evidence, and if the evidence is one of the  
13 following:

- 14           1. Evidence of the victim's past sexual conduct with the defendant.
- 15           2. Evidence of specific instances of sexual activity showing the  
16 source or origin of semen, pregnancy, disease or trauma.
- 17           3. Evidence that supports a claim that the victim has a motive in  
18 accusing the defendant of the crime.
- 19           4. Evidence offered for the purpose of impeachment when the prosecutor  
20 puts the victim's prior sexual conduct in issue.
- 21           5. Evidence of false allegations of sexual misconduct made by the  
22 victim against others.

23       B. Evidence described in subsection A shall not be referred to in any  
24 statements to a jury or introduced at trial without a court order after a  
25 hearing on written motions is held to determine the admissibility of the  
26 evidence. If new information is discovered during the course of the trial  
27 that may make the evidence described in subsection A admissible, the court  
28 may hold a hearing to determine the admissibility of the evidence under  
29 subsection A. The standard for admissibility of evidence under subsection A  
30 is by clear and convincing evidence.

31       C. **EVIDENCE DESCRIBED IN SUBSECTION A AND THE NAME, ADDRESS OR OTHER**  
32 **IDENTIFYING FACT OF OR INFORMATION REGARDING THE VICTIM SHALL NOT BE**  
33 **PUBLISHED OR BROADCAST WITHOUT THE VICTIM'S PERMISSION.** ANY PERSON WHO  
34 **PRINTS, PUBLISHES OR BROADCASTS OR CAUSES OR ALLOWS TO BE PRINTED, PUBLISHED**  
35 **OR BROADCAST EVIDENCE DESCRIBED IN SUBSECTION A OR THE NAME, ADDRESS OR OTHER**  
36 **IDENTIFYING FACT OF OR INFORMATION REGARDING THE VICTIM IN ANY INSTRUMENT OF**  
37 **MASS COMMUNICATION WITHOUT THE VICTIM'S EXPRESS PERMISSION IS GUILTY OF A**  
38 **CLASS 2 MISDEMEANOR.**